

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-455-A
)	Hon. Leonie M. Brinkema
ZACARIAS MOUSSAOUI,)	
a/k/a "Shaqil,")	
a/k/a "Abu Khalid al Sahrawi,")	
)	
Defendant)	

GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTION TO RECONVENE EVIDENTIARY HEARING

The United States welcomes an opportunity to examine Carla Martin during an evidentiary hearing, but with two provisos. First, the evidentiary hearing should occur only if Mr. Howard represents that Ms. Martin will not invoke her Fifth Amendment rights. We see no reason to reconvene the evidentiary hearing simply to have Ms. Martin invoke her rights. Second, we suggest that the hearing need not occur until after the conclusion of evidence on Monday. The jury should receive a full day of evidence and then be excused. No FAA witnesses will testify until late Tuesday or Wednesday. Finally, the issue of taint can be explored through the new FAA witnesses. The Jencks and Giglio material for the witnesses will disclose any contact that the witnesses have had, if any, with Ms. Martin on this prosecution. For this reason, we respectfully submit that the hearing be scheduled for the conclusion of the testimony of Monday but only if Mr. Howard indicates that Ms. Martin will not invoke her Fifth Amendment

rights.

Respectfully submitted,

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By: _____
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CERTIFICATE OF SERVICE

I certify that on March 17, 2006, a copy of the foregoing Government pleading was served, by hand, on the following counsel:

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